



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,204	02/14/2002	Yong Woo Kim		9391
7590	10/23/2003		EXAMINER	DONNELLY, JÉRÔME W
Eugene S. Stephens Eugene Stephens & Associates 56 Windsor Street Rochester, NY 14605			ART UNIT	PAPER NUMBER
			3764	5
			DATE MAILED: 10/23/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

restart time (3)

Supplemental
Office Action Summary

Application No.

10/0752

Applicant(s)

Yong Kim

Examiner

Jerome W Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 8/18/03

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

Jerome W. Donnelly

2. Certified copies of the priority documents have been received in Application No. Primary Examiner

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

6) Other: _____

Claims 11-13, 16 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 1, 5, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey et al.

In regard to claims 1 and 8 Harvey et al discloses a device comprising a tension member 914) having ends connected to a handle.

The applicants claims of the tension members being arranged "to cause, arranged above, arranged below, etc" are conditions which are capable of being achieved by the device of Harvey et al.

In regard to claim 5 the examiner considers element 15 of Harvey et al as being low friction.

The examiner considers Harvey et al to meet the claim language of claim 6 and 10, "somewhat above horizontal". It is not clear as to what somewhat above horizontal is.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 4, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Blom.

As currently written the device of claim 1 and 8 is not considered to include a handle, only system to attach to a handle. The initial handle recitation is located in the pre-amble of the claim.

Blom disclose a device comprising a member (22), which may be used as a handle when exercising the arm, a elastic first and second lengths (14) having an ends connected to element 22, pulley's 36 and 38.

In regard to claim 4, the first length of element (16) of Blom extends from the handle/user engagement member (22) the second length of element 16.

Claims 7, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blom in view of Hinds.

Blom discloses the device of claims 7, 14, and 15 substantially as claimed absent the inclusion of Four pulley member.

Hinds teach providing at least Four pulley member for the purpose of directing a resilient cord member.

Given the above teaching of Hinds the examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture the device of Blom wherein elements 30, 32, 36 and 38 are all pulley mechanisms so as to enhance ease of movement of member 14.

Applicant claims are broad enough to allow the examiner to consider the pulley member of his claims and the pulley members of Hind to be fixed in one position yet still be movable/swivable in said fixed position.

Art Unit: 3764

Claims 1, 2, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Boardman.

Boardman discloses a device having a handle, elastic cords, and said device being positionable as desired. Applicants attempt to limit his device by referencing regions of the body is considered as non-limiting.

Claims 1-16, 26 and 27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

In the claims, "upper tension region", "above an exerciser's shoulder" "to cause elastic resistance" "a lower tension region arranged below the hips" a line between upper and lower tension regions" etc are considered a non-limiting recitations in the claims.

In claim 6, somewhat, is indefinite.

In the claims "via" is considered as indefinite.

Claims 23-25 are allowed.

In claim 23, the examiner has examined the claims as if they include an exercise handle. The applicant is required to include a handle by positively claiming said handle. Paragraph (b.) of claim 23 is somewhat vague as to the positive claiming of the handle.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number 308-2668.

Donnelly/DL

October 20, 2003

Jerome W. Donnelly
Primary Examiner

